

**THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
) No. 09-0257-01-CR-FJG
SEAL MOH'D TUMA MUSTAFA,)
)
Defendant.)

ORDER

Currently pending before the Court is defendant's Motion for Leave to Appeal in Forma Pauperis (Doc. No. 82).

Federal Rule of Appellate Procedure 24(a) states in part:

(1) Motion in the District Court. Except as stated in Rule 24(a)(3), a party to a district court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

(2) Action on the Motion. If the district court grants the motion, the party may appeal without prepaying or giving security for fees and costs, unless a statute provides otherwise. If the district court denies the motion, it must state its reasons in writing.

The Court notes that defendant has provided an Application for Leave to File Action Without Payment of Fees With Affidavit of Financial Status in Support (Doc. No. 83). This describes defendant's inability to pay or to give security for fees and costs. However, Form 4 of the Appendix of Forms of the Federal Rules of Appellate Procedure prescribes that, "If you are a prisoner, you must [also] attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six

months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account." In this case, the Court finds that defendant's application is deficient because he has failed to attach a certified statement showing all receipts, expenditures, and balances during the last six months in his institutional accounts. In addition, defendant has failed to state what issues he intends to present on appeal. The Notice of Appeal simply states that he is appealing the Judgment and Sentence imposed by the Court on July 8, 2011. The Court must be provided with this information before it can evaluate defendant's Motion for Leave to Appeal in Forma Pauperis (Doc. No. 82).

It is therefore **ORDERED** that defendant provide the Court with a certified statement showing all receipts, expenditures, and balances during the last six months in his institutional accounts and a statement describing what issues he intends to present on appeal. Defendant shall provide the Court with this information within twenty (20) days from the date of this Order.

The Clerk of the Court is directed to mail a copy of this Order via regular and certified mail to defendant at Bates County Jail, P.O. Box 60, Butler, Missouri 64730.

IT IS SO ORDERED.

Dated: 9/16/2011
Kansas City, Missouri

/S/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
United States District Judge